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File No. Cotton — Transport II/42

Legal **DEPARTMENT**

B. **BRANCH**

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Subject.—

Fuller's Earth Notifications

Under the

Cotton Transport Act, 1923.

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11/5

K.S.R.

11/5.

Office of the R.L.A.

Rules 3 and 4 and the Forms B,C,B 1 and E are all recas in order to avoid unnecessary repetition and to avoid complication of stam duty and of "true copy" certificates involved by the present provisions of " certified copies". The recasting is done after discussion with the Secretary, Revenue Department, who may verify whether the rules as amended would be sufficient for the purpose.

Id. P.N.M. 4/6.

Remembrancer of Legal Affa
-rs

U.R. to R.D. No. 4629 dated the 5th June 1942.

SMR.

Office of the R.L.A.

A revised draft notification is sent herewith.

The notification will have to be approved by the Governor under Section 8 of the Cotton Transport Act, 1923. (See R.L.A's u.r. to R.D.No. 6300 dated the 4th October 1941).

Sd./-N.K.D. 16/7

For Remembrancer of Legal Affairs

U.R. to R.D.No.5939 dated the 17th July 1943.

NOTIFICATION

Revenue Department,

Bombay Castle, 1942.

Cotton Transport Act 1923

No. 6975/33.- In exercise of the powers conferred by sub-section (1) and (3) of section 3 of the Cotton Transport Act, 1923 (XXV of 1923) the Government of Bombay is pleased to amend Government Notification in the Revenue Department, No. 535-A dated the 18th August 1923 amended from time to time as follows, namely:-

For clause III of Schedule I appended to the said notification, the following shall be substituted namely:-

III. The Ankleshwar Area consisting of the Ankleshwar Taluka, Hansot Mahal and Kotlands (villages of the Narbudda river in the Broach Taluka of the Broach and Panch Mahals Districts.

By order of the Governor of Bomb

Secretary to Government.

Office of the R.L.A.

It is not necessary to include "III-A on p. 153" in the notification, but there is no legal objection to clarifying the position by amending the preamble to the notification as shown in pencil on p.170 R.D. may verify whether this will be adequate

Sd/- N.K.D.

For Remembrancer of Legal Affairs.

U.O.to O.D., No. 9549, dated the 13th August 1942.

SMP

NOTIFICATION

Revenue Department,

Bombay Castle, 194.

Cotton Transport Act 1923.

No. 535-A .- In exercise of the powers conferred by section 7 of the Cotton Transport Act, 1923 (XXI of 1923), the Government of Bombay is pleased to amend the rules published in Government Notification in the Revenue Department No. 535-A dated the 18th August 1923, as amended from time to time, (hereinafter called "the said rules") as follows, namely:-

1 In rule 3 of the said rules:-

(a) after sub-rule (1) the following new sub-rule shall be inserted, namely:-

'(1-A) Annual licenses for importation by rail, road, river or sea of full pressed cotton bales may be granted to persons, other than manufacturing concerns, within the protected areas for the purpose of selling them to manufacturing concerns. Such licenses shallbe in Form B-1 hereto annexed and shall be subject to the conditions stated therein: "

(b) in sub-rule(2), before the words "in Form C" wherever they occur, the words "along with a statement" shall be inserted.

2 In sub-rule (3) of rule 4 of the said rules before the words "in Form E" the words "along with a statement" shall be inserted.

3 For Form B appended to the said rules, the following Forms shall be substituted, namely:-

"Form B.

Annual General License (for Mills)

(Import by rail, road, river or sea)

(see rule 3(1))

Licence is hereby granted under the cottnn Transport Act, 1923(xxx of 1923). to . .. . (hereinafter referred to as "the licensee") authorizing him/it to import by rail, road river or sea---------- @ .... from .... to ..... in the protected area of... ..... for the purpose of manufacturing during the period from the ..... day of ....19 to the 31st day of August 19, subject to the following conditions, namely:-

Here insert the name of the person to whom licence is to be granted,

Here enter ginned cotton waste kapas or cotton in respect of which licence is granted.

** 1 The licensee shall tender a certified copy of this licensee with the consignment at the despatching station.

** To be retained in the case of consignments to be despatched by rail only.

@@ In 1 The licensee shall, on the arrival of the consignment at.....%..... deliver a certified copy of this licence to the officer in charge of the .....

@@ To be retained in the case of consignments to be despatched by road, river, or sea only.

% Here insert the Naka bunder or other place.

2 Save with the permission of the licensing authority, no cotton imported under this licence shall be used by the licensee for any purpose other than for manufacture.

Dated, 194 ,

Licensing Authority."

*Form D-1

Annual General L'cense f'r 'mportat'on by ra'l, road, r'ver or sea of full pressed cotton bales.

(see rule 3(1-A)).

No. 19.

L'cense 's hereb granted under the Cotton Transport Act, 1923 (xxv of 1923), to.. .... (here'nafter re'erred to as "the l censee") author'z'ng h'm t' 'mport by ra'l, road, r'ver, or sea full pressed cotton bales from ..... to .... 'n the p'otec'ed area of .... for sale to manufactur'ng concerns. dur'ng the per'od from he 1s' da of Septe'ber 19,. to 31st da of August 19 , subject to the follow-'ng cond't'ons, namel:-

* 1 The l'censee shall tender a cert'f'ed cop" of this l'cense w'th the consignment at the despatching stat'on.

@ 1 The l'censee shall, on the arr'val of the cons'gnment at.....$..... deliver a cert'f'ed copy of th's l'cense to t'e off'cer 'n charge of the..... .....

2 Save w'th the perm'ss'on of the l'cens ng author'ty, no cotton 'mported under th's l'cense shall be used by the l'censee for any purpose other than for sale to manufactur'ng concerns.

3 Th l'censee shall ma'nta'n an account of bales of cotton 'mported and sold under th's l'cense, and shall, on dem nd, show the bales

* Here 'nsert the name of the person to whom l'cense 's to be gran'ed.

* To be reta'ned 'n the case of cons'gnments to be despatched by ra'l, only.

@ To be reta'ned 'n the case of cons'gnments to be despatched by road, r'ver or sea only.

$ Here 'nsert the Bale, bun'or or other place.

and accounts for inspection to the licensing authority or any officer subordinate to the licensing authority.

4 The licensee shall on the 10th day of every month submit to the licensing authority a statement of bales of cotton imported and sold during the preceding month and the bales of cotton held in stock by the licensee at the end of the said month.

Dated 19 Licensing Authority".

5 For Form C appended to the said rules, the following shall be substituted, namely:-

"Form C.

(See Rule 3(2)

Licence No. of 19

Name of the consignor .....

Number of bales .....

Description of cotton.....

(Signature of the consignor).

Dated 19 " (Signature of the Station Master of of officer in charge of the ..... at ..... .)

6 For Form E appended to the said rules, the following shall be substituted, namely:-

"Form E.

(See Rule 4(3))

Licence No. of 19

Name of the consignor .....

Number of bales .....

Description of cotton .....

Dated 19 (Signature of the consignor)

(Signature of the Station Master)"

By order of the Governor of Bombay,

Secretary to Government.

Office of the R.L.A.

The amendments proposed by the Director of Agriculure and agreed to by the R.D. have been incorporated in the revised draft notification sent herewith. An opportunity has been take to revise Form B so as to make it uniform with new Form B-1 by the deletion of unnecessary matter therefrom. To leave no room for doubt the expression "licensing authority, Etc." used in condition 3 of the license in Form B-1 is substituted by "Director or Assistant Director of Agriculture".

2. As desired by the R.D. the expression certified copies has ben retained throughout the rules and the Forms appended thereto. Under section 2(a) of the Cotton Transport Act,1923, "certified copy" in relation to a license means a copy of the license certified in the manner described in section 76 of the Indian Evidence Act, 1872, by the authority by which the license has to be certified in the manner described in section 76 of the Evidence Act, the licensing authority shall have to certify at the foot of the copy that it is a true copy of the original license. On further consideration it appears that such a copy may fall under exemption (a) below Article 24 in ~~Schedule~~ Schedule I to the Stamp Act. R.D. may verify if this is so. and if any further action in regard to stamp duty is necessary.

Sd./- P.N.Moos

Remembrancer of Legal Affairs.

U.R. to R.D., No. 8856, dated the 2nd November 1942.